THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.15415 of 2006

Between:

Nitta Sreemaiah.

.. PETITIONER

and

The State of A.P. and others.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that he made a complaint before the 4th

respondent making certain allegations against one Maddu Raja Rao, S/o.Laxminarayana, stating that he has been carrying on medical profession unauthorisedly for many years in the village of Ramaiahpatnam, Sompeta Mandal, Srikakulam District, claiming himself as an authorized Medical Practitioner. The innocent and uneducated fishermen, who have been suffering with diseases, have been paying huge amount to the said Maddu Raja Rao for their treatment. It is stated that during the course of treatment, if there is any danger to the patients, he used to take them to either Visakhapatnam or distant places by collecting more money from them. It is stated that during the course of treatment, if any patient dies, he used to say that the death was due to fate only but not due to his treatment. As the said Maddu Raja Rao is having political support, no body is able to make any complaint against him.

The 4th respondent filed a counter stating that basing on the complaints made by the petitioner on 30-12-2005 and 02-03-2006 against the said Maddu Raja Rao, enquiry has been conducted and the enquiry reveals that the allegations made against Maddu Raja Rao are found to be incorrect.

I am of the opinion that no procedure has been contemplated under the code of criminal procedure to investigate a case without registering and, therefore, the action of the 4th respondent in investigating the case without registering, is illegal and without any justification. But, however, I am of the opinion that it is always open for the petitioner to make a representation before the Superintendent of Police for taking appropriate action against the said Maddu Raja Rao. Even, if the Superintendent of Police does not take any action, it is always open for the petitioner to file a private complaint under Section 200 read with Section 190 Cr.P.C. before the concerned Magistrate.

Accordingly, the writ petition is dismissed with a liberty to take appropriate action in accordance with law. There shall be no order as to costs.

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07-08-2007

Prv